

The arbitration matter resolving the genuineness of a 1853 \$20 USA Essay Office coin which was bought for \$3,000 by Mr. Garland of Eastern Tennessee in the early 1960's was determined by him to be a forgery when he acquired it from a Chicago coin deal by the name of Ryan. The source of the coin which had many intervening owners was John J. Ford, Jr. Garland submitted the matter for determination properly to the ANA Certification Service or its equivalence committee, but it ended up in the Professional Numismatic Guild providing an arbitration committee of three which was to be selected--one person for the claimant, one person for the defense Lester Merkin of New York City a former museum and coin dealer, and the President of the Professional Numismatic Guild who lived in Oakland, California. I forgot the name of the third person to be on the panel, but he was from California and was respected.

The first hearing of the panel was in Chicago and the first witness for the claimant was Gerow Paul Franklin. I represented Garland at the first hearing.

Early in my questioning I asked Franklin where he obtained the coin before he sold it. I probably asked him if he obtained it from John J. Ford, Jr. or tried to. On the objection of John J. Ford, Jr. at the hearing he did not wish such testimony to be allowed because he claimed that no coin dealer should be allowed to disclose with whom he did business. The panel agreed that no disclosure of the customer of a dealer would have to be disclosed. The meeting of the panel was to be continued the next day. The hearing did not take place the next day because the witness was said to have left town.

Without notification to Garland or me, a continuance of the panel meeting was held in Florida about a year later, and what took place soon thereafter I do not know, but apparently two members of the panel agreed the coin was a forgery and Lester Merkin thought otherwise.

The panel looked for a solution and learned that the invoice to Garland stated that the coin was a proof and that the coin was not proven to be a proof and, therefore, the arbitration panel gave their unanimous judgment that Garland was entitled to the refund of the amount paid for the coin.

Neither Ryan nor anyone else did anything to satisfy the ruling of the arbitrators but Garland was entitled to the return of the \$3,000. When I learned this, I determined that he had to take legal action to enforce the arbitration's decision. Since Ryan lived in Chicago, I had my nephew Eric H. Steele file suit in Cook County, Illinois to enforce the arbitration decision and obtained a judgment for the plaintiff. Neither Ryan nor anybody else did anything after judgment was obtained until attachment of the assets of Ryan were threatened. Payment to Garland of \$3000 by Ryan then took place.

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